

01-14-02

A

PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	621P001
First Inventor	Dennis M. Hilton
Title	FOAMED FIREPROOFING COMPOSITION AND METHOD
Express Mail Label No.	ET121813759US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 22 ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [ Total Sheets 3 ]
5. Oath or Declaration [ Total Pages      ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: Replacement Sheet.....

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)of prior application No: PCT/IB01/01604

Prior application information:

Examiner

Group / Art Unit

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**18. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

Name	Kevin S. Lemack				
	Niels & Lemack				
Address	176 E. Main Street				
City	Westboro	State	MA	Zip Code	01581
Country	U.S.A.	Telephone	(508) 898-1818	Fax	(508) 898-2020

Name (Print/Type)	Kevin S. Lemack	Registration No. (Attorney/Agent)	32,579
Signature			Date Jan. 11, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1,020.00

**Complete if Known**

Application Number	Not yet assigned
Filing Date	Herewith By Express Mail
First Named Inventor	Dennis M. Hilton
Examiner Name	Not yet assigned
Group Art Unit	Not yet assigned
Attorney Docket No.	621P001

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	14-0930
Deposit Account Name	Nields & Lemack

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 740.00)

**2. EXTRA CLAIM FEES**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims	13	-20** =	0	x	18	=	0
Multiple Dependent	3	-3** =	0	x	84	=	0
						280 = 280	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 280.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Kevin S. Lemack	Registration No. (Attorney/Agent)	32,579	Telephone	(508) 898-1818
Signature		Date	Jan. 11, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dennis M. Hilton, Michael D. Morgan, Michael Windsor Symons and Timothy Michael Symons**

For: **FOAMED FIREPROOFING COMPOSITION AND METHOD**

Assistant Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Sir:

LETTER

The above-identified applicants enclose for filing a Continuation-in-part patent application entitled "**FOAMED FIREPROOFING COMPOSITION AND METHOD**". Said attached patent application includes (1) Utility Patent Application Transmittal Form (1-Page); (2) Patent Application: 22-Page Specification (including 2-pages of claims (12) and 1-Page Abstract) and 3-sheets of 8½x11 size drawings; (3) Preliminary Amendment (1-Page), together with a Replacement Sheet (1-Page); and (4) Fee Transmittal Form, together with a check in the amount of \$1,020.00 in payment of the filing fee.


The executed Declaration and Power of Attorney, with surcharge will be submitted in due course.

Applicant hereby claims priority of South African Patent Application No: 2000/4627 filed September 4, 2000 and PCT Patent Application No. PCT/IB01/01604 dated September 3, 2001.

All correspondence concerning this application should be mailed to:

**Kevin S. Lemack  
Nields & Lemack  
176 E. Main Street  
Westboro, Massachusetts 01581**

Respectfully submitted,

  
Kevin S. Lemack  
Attorney for Applicant  
Registration No. 32,579

Date: January 11, 2002

**EXPRESS MAIL NO: ET121813759US**



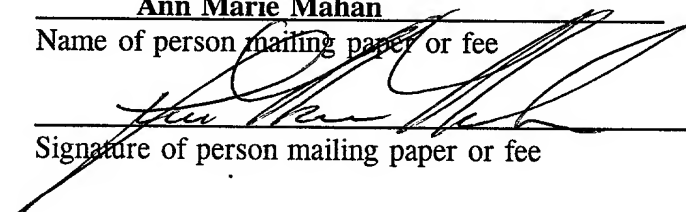
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dennis M. Hilton, et al.  
Serial No. : Not yet assigned  
Filed : Herewith By Express Mail  
For : FOAMED FIREPROOFING COMPOSITION AND METHOD  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 621P001  
Type of paper : Preliminary Amendment

"EXPRESS MAIL" MAILING LABEL NO. **ET121813759US**  
DATE OF DEPOSIT: January 11, 2002

I hereby certify that this patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, **BOX: PATENT APPLICATION.**

Ann Marie Mahan  
Name of person mailing paper or fee

  
Signature of person mailing paper or fee

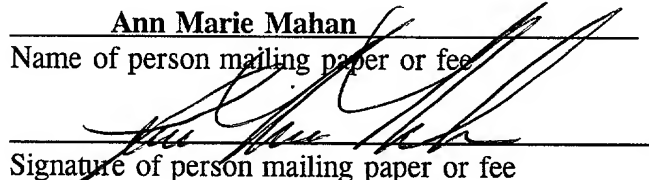


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dennis M. Hilton, et al.  
Serial No. : Not yet assigned  
Filed : Herewith By Express Mail  
For : FOAMED FIREPROOFING COMPOSITION AND METHOD  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 621P001  
Type of paper : Fee Transmittal Form, together with a check

"EXPRESS MAIL" MAILING LABEL NO. **ET121813759US**  
DATE OF DEPOSIT: January 11, 2002

I hereby certify that this patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, **BOX: PATENT APPLICATION.**

Ann Marie Mahan  
Name of person mailing paper or fee  
  
Signature of person mailing paper or fee

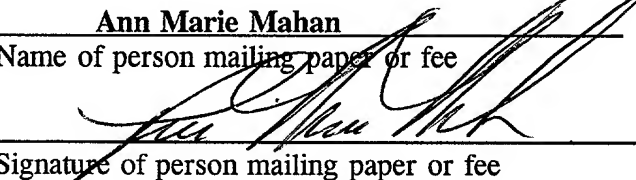


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dennis M. Hilton, et al.  
Serial No. : Not yet assigned  
Filed : Herewith By Express Mail  
For : FOAMED FIREPROOFING COMPOSITION AND METHOD  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 621P001  
Type of paper : Letter

"EXPRESS MAIL" MAILING LABEL NO. **ET121813759US**  
DATE OF DEPOSIT: January 11, 2002

I hereby certify that this patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, **BOX: PATENT APPLICATION.**

Ann Marie Mahan  
Name of person mailing paper or fee  
  
Signature of person mailing paper or fee



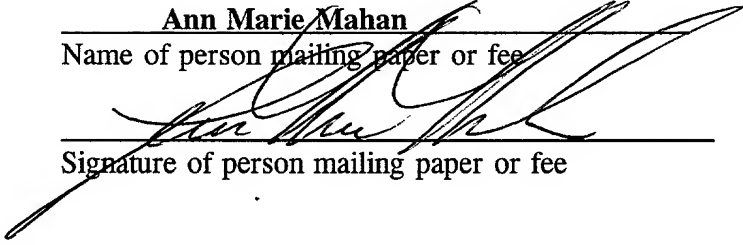
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dennis M. Hilton, et al.  
Serial No. : Not yet assigned  
Filed : Herewith By Express Mail  
For : FOAMED FIREPROOFING COMPOSITION AND METHOD  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 621P001  
Type of paper : Utility Patent Application Transmittal Form

"EXPRESS MAIL" MAILING LABEL NO. **ET121813759US**  
DATE OF DEPOSIT: January 11, 2002

I hereby certify that this patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, **BOX: PATENT APPLICATION.**

Ann Marie Mahan  
Name of person mailing paper or fee

  
Signature of person mailing paper or fee

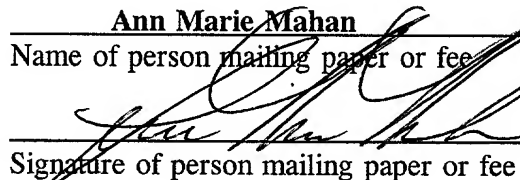


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dennis M. Hilton, et al.  
Serial No. : Not yet assigned  
Filed : Herewith By Express Mail  
For : FOAMED FIREPROOFING COMPOSITION AND METHOD  
Examiner : Not yet assigned  
Art Unit : Not yet assigned  
Attorney  
Docket No. : 621P001  
Type of paper : Patent Application

"EXPRESS MAIL" MAILING LABEL NO. ET121813759US  
DATE OF DEPOSIT: January 11, 2002

I hereby certify that this patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, **BOX: PATENT APPLICATION.**

Ann Marie Mahan  
Name of person mailing paper or fee  
  
Signature of person mailing paper or fee